

**No. 23-11184**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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ALEX DOE,

*Respondent-Appellee,*

v.

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.,

*Petitioner-Appellant.*

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On Appeal from the United States District Court  
for the Northern District of Texas, Amarillo Division  
Civil Action No. 2:21-cv-00022-Z

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**UNOPPOSED MOTION TO SUPPLEMENT RECORD ON APPEAL AND  
ACCESS SEALED DOCUMENTS INCLUDED THEREIN**

*(Counsel listed on signature page)*

## **CERTIFICATE OF INTERESTED PERSONS**

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal:

### **Petitioner-Appellant:**

Planned Parenthood Federation of America, Inc.  
*Represented by* O'Melveny & Myers LLP  
Anton Metlitsky  
Leah Godesky  
Danny S. Ashby  
L. Nicole Allan

### **Respondent-Appellee:**

Relator Alex Doe  
*Represented by* Hacker Stephens LLP  
Heather Gebelin Hacker  
Andrew Bowman Stephens

### **Other Parties:**

Defendant Planned Parenthood of Greater Texas, Inc.  
Defendant Planned Parenthood Gulf Coast, Inc.  
Defendant Planned Parenthood South Texas, Inc.  
Defendant Planned Parenthood Cameron County, Inc.  
Defendant Planned Parenthood San Antonio, Inc.  
*Represented by* Arnold & Porter Kaye Scholer LLP  
Christopher M. Odell  
Craig D. Margolis  
Tirzah S. Lollar  
Paula R. Ramer  
Alyssa Gerstner

Christian Sheehan  
Emily Reeder-Ricchetti  
Megan Pieper  
Meghan Martin  
Marcus Asner  
Matthew Diton  
Valarie Hays  
Jayce Lane Born

*Represented by* Law Office of Blackburn & Brown, LLP  
Ryan Patrick Brown

Plaintiff State of Texas  
*Represented by* Office of the Attorney General  
Ken Paxton  
Amy S. Hilton  
William David Wassdorf

United States of America, Real Party in Interest  
*Represented by* United States Attorney's Office  
Kenneth G. Coffin  
J. Scott Hogan  
Jamie Yavelberg

State of Louisiana, Real Party in Interest  
*Represented by* Office of the Louisiana Attorney General  
Joseph Scott St. John

Petitioner-Appellant Planned Parenthood Federation of America, Inc.

(“PPFA”) hereby files this motion to supplement the electronic record on appeal (“ROA”) and obtain access to sealed documents included therein.

1. PPFA respectfully requests that the Court supplement the ROA with a decision issued by the District Court for the Northern District of Texas on January 11, 2024, staying district-court proceedings pending the outcome of this appeal. Dist. Ct. Dkt. 601. This decision—which was issued after the ROA was transmitted to this Court on January 2, 2024—discusses the summary-judgment order on appeal and is thus relevant to disposition of the appeal.

2. PPFA also requests access to the sealed portions of the ROA transmitted to this Court on or about January 2, 2024, for the limited purpose of reviewing sealed documents and preparing its briefs with proper record citations in accordance with Fifth Circuit Local Rule 28.2 and the Court’s guidance regarding citation in its briefing notice, Dkt. 25.

3. Unsealed portions of the ROA have been made available for review and download. The remainder of the record—including the summary-judgment order on appeal and much of the briefing relevant thereto—was sealed by the district court. As a party to the district-court proceedings, PPFA already has access to the sealed documents. It requests access to these sealed documents, and the

decision issued on January 11, 2024 (Dist. Ct. Dkt. 601), in this Court pursuant to this Court's rules and procedures so that PPFA may prepare its briefs with appropriate citations to the record.

Counsel for PPFA has contacted counsel for the other party to this appeal, who does not oppose this Motion.

WHEREFORE, PPFA respectfully requests that the Court grant this motion so that PPFA may adequately prepare its briefs.

Dated: January 16, 2024

Respectfully submitted,

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*Counsel for Planned Parenthood Federation of America, Inc., Petitioner-Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2024, an electronic copy of the foregoing document was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit and served on counsel for Respondent-Appellee using the appellate CM/ECF system.

/s/ Anton Metlitsky  
Anton Metlitsky

### **CERTIFICATE OF COMPLIANCE**

This document complies with the type-volume limit and the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 291 words.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface using Microsoft Word in size 14 font in Times New Roman.

/s/ Anton Metlitsky  
Anton Metlitsky  
Counsel for Petitioner-  
Appellant Planned Parenthood  
Federation of America, Inc.

Dated: January 16, 2024